

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUSTIN BAKER,

Plaintiff,

v.

NEW HANOVER REGIONAL HOSPITAL,

Defendant.

Case No. C22-821-RSM

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

This matter comes before the Court on Plaintiff Justin Baker’s Motion to Appoint Counsel. Dkt. #7. Mr. Baker filed this action *pro se* and *in forma pauperis* (“IFP”). Dkt. #1. On June 21, 2022 Magistrate Judge Brian Tsuchida granted Mr. Baker’s application to proceed IFP. Dkt. #4.

In civil cases, the appointment of counsel to a *pro se* litigant “is a privilege and not a right.” *United States ex. Rel. Gardner v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965) (citation omitted). “Appointment of counsel should be allowed only in exceptional cases.” *Id.* (citing *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963)). A court must consider together “both the likelihood of success on the merits and the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). In “exceptional circumstances,” a district court may appoint counsel for indigent

1 civil litigants. 28 U.S.C. § 1915(e)(1); *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997),
2 *overruled on other grounds*, 154 F.3d 952 (9th Cir. 1998).

3 Mr. Baker has failed to set forth exceptional circumstances warranting the appointment of
4 counsel in this case. He has demonstrated sufficient ability to articulate his claims. The Court
5 cannot conclude at this time whether his claims have a strong likelihood of success on the merits.
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7 Given all of the above, the Court will deny this Motion.

8 Having Plaintiff's Motion and the remainder of the record, the Court hereby FINDS and
9 ORDERS that Plaintiff Justin Baker's Motion to Appoint Counsel, Dkt. #7, is DENIED.

10 DATED this 9th day of August, 2022.

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13 RICARDO S. MARTINEZ
14 CHIEF UNITED STATES DISTRICT JUDGE
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